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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,178	03/24/2004	Thomas Eric Carter	01382.002025.	4582
5514	7590	11/01/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			CAMPBELL, KELLY E	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/808,178	CARTER, THOMAS ERIC
	Examiner Kelly E. Campbell	Art Unit 3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/13/04.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ness (US 2,948,798) in view of Schaefer et al (US 2,906,104).

Ness teaches an electrically powered food service transport cart comprising a mobile housing (10) with a plurality of wheels (11) including at least a pair of doors (35,36), means in the housing for supporting at least one food service tray, see Figure 4.

Ness does not teach a UV sterilization device for a food cart.

Schaefer et al teaches a food storage cabinet (10) including a UV light source (22) mounted in said housing on an inner wall; a source of power (26) for the UVC light source; and means for controlling said source of power for activating said light source when said at least one door is closed, see Column 3, lines 10-15, such that all tray shelves are irradiated;

wherein said means for controlling the source of power includes switch means

(29) which is activated by said door in its closed position to supply power to said UV light source.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile food storage cart to include a sterilization means for preventing bacteria contamination of food products and providing the best conditions of hygiene for food delivery even during extending periods of time between one delivery to the next.

It would have been further obvious to provide a pair of UV light activation door switches and lights to accompany each of the pair of doors of the mobile cart of Ness modified with UV light device as taught by Schaefer et al, such that each individual door has a switch so that if a user opens either the left or right door, a UV light will be activated within the cart, and it has been held that the mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claims 3,5,8-9, 12,16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ness (US 2,948,798) in view of Schaefer et al (US 2,906,104) applied to claim 2 above, and further in view of Cipelletti (US 4,867,052).

Ness modified by Schaefer et al teaches all aspects of the claimed invention, except a timer means.

Cipelletti teaches a food storage device (1) including a housing ( with at least one door (4), a timer (7) means for stopping the supply of power to said UV light source (5)

after a predetermined time interval following closure of the door, see Column 2, lines 58-65.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile cart device of Ness modified by Schaefer to include the timer as taught by Cipelletti to control the food exposure to the UV light and prevent overexposure or waste the light longevity during periods where the cart is not in immediate use and the doors are closed.

Claims 6-7,14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ness (US 2,948,798) in view of Schaefer et al (US 2,906,104) and Cipelletti (US 4,867,052) applied to claim 3 above, and further in view of Seider et al (US 4,167,983).

Ness modified by Schaefer et al and Cipelletti teaches all aspects of the claimed invention, except a rechargeable battery power device.

Seider et al teaches a mobile food storage cart powered by a rechargeable battery configuration.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile food cart with UV sanitizing features to include an on board, rechargeable battery power in order to provide a cart able to traverse longer distances during delivery without needing to be plugged in to an outlet source to perform all of the cart functions.

Claims 4,13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ness (US 2,948,798) in view of Schaefer et al (US 2,906,104) and Cipelletti (US 4,867,052) applied to claim 3 above, and further in view of Sharpe (US 3,028,208).

Ness modified by Schaefer et al and Cipelletti teaches all aspects of the claimed invention, except a UV light source is mounted on the inside of said at least one door.

Sharpe teaches a door lighting arrangement including a housing (10) supporting service trays (21), a light source (35) mounted inside a door (17) within a recess defined behind shelves (33,34,22) within the door.

It would have been obvious to one of ordinary skill in the art to modify the door of the cabinet taught by Ness modified by Schaefer et al and Cipelletti to provide the UV light arrangement on the door of the cabinet in order to allow rays of the lamp to be directed into the cabinet chamber affecting all of the cabinet interior and shelved items.

Claims 10-11 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ness (US 2,948,798) in view of Schaefer et al (US 2,906,104), Cipelletti (US 4,867,052) and Sharpe (US 3,028,208) applied to claim 4 or 13 above, and further in view of Beimolt (US D309,122).

Ness modified by Schaefer et al, Cipelletti and Sharpe teaches all aspects of the claimed invention, except at least two UVC bulbs respectively mounted on the inner surfaces of said doors.

Beimolt teaches the use of two light bulbs in a food storage cabinet, as an equivalent substitute for a single light bulb, see Figures 7-8.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the food storage cabinet UV lighting device to include two light bulbs as opposed to a single light bulb, for improving the light exposure over the entire cabinet storage area since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.* 193 USPQ 8.

### ***Conclusion***

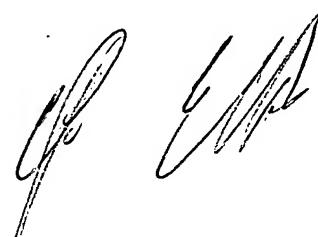
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Royce teaches a cabinet/table for food storage. Selig teaches a storage and sterilizing cabinet with UV lamps. Solley, Jr et al teaches a refrigerator with door-activated lamps. Moulthrop teaches a UV light sterilizing cabinet. Johnson teaches a storage cabinet with heating elements for shelves. Baggott teaches a food storage cart. Faries, Jr. et al teaches a temperature-controlled cabinet with wheels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly E. Campbell whose telephone number is (571) 272-6693. The examiner can normally be reached on 9:00-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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